



Attorney's Docket No. 35718/237005

03-02-04 Image AF/1600
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Abad *et al.*
App. No.: 10/032,717
Filed: 10/23/2001
For: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS
WITH PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

Confirmation No.: 5409
Group Art Unit: 1638
Examiner: A.R. Kubelik

March 1, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 1.191)

Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated February 18, 2004, rejecting the following Claims 1-3, 9-12, 17-19, 38-40, 42-46, 48-52, and 54-64.

The fee for this Notice of Appeal under 37 CFR § 1.17(b) is enclosed.

- ☒ A check is enclosed.
(\$330.00 for large entity fee or \$165.00 if small entity status)
- ☒ Any additional fee or refund may be charged to our
Deposit Account No. 16-0605.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

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Respectfully submitted,

Leigh W. Thorne
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CUSTOMER NO. 29122 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	"Express Mail" mailing label number EV 390050893 US Date of Deposit March 1, 2004 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 Lynda-Jo Pixley
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